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ADMITTED IN NY & CT

MEMO ENDORSED

VIA FACSIMILE

March 4, 2008

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street., Rm. 533
White Plains, NY 10601
Fax: (914) 390-4152

Re: United States v. Douglas Shyne, et. al.
S4 05 Cr. 1067 (KMK)

USDS SDNY
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Dear Judge Karas:

I am the attorney for Naresh Pitambar ("Pitambar"), one of the defendants in the above-referenced indictment. On January 11, 2008, Pitambar was sentenced to four months imprisonment with four months house arrest, and was ordered to voluntarily surrender by March 14, 2008. (T 55 & 60).¹ However, your Honor indicated that an extension of the surrender date would be granted in the event Pitambar son's medical condition required further medical attention. (T 60). I write to request Pitambar's voluntary surrender date be extended to June 2, 2008.

Pitambar's three-year old son suffers from pulmonary valvar stenosis, and has already undergone three surgical heart procedures. (T 42); see also Exhibit A of Pitambar's sentencing memorandum. As discussed at sentencing, an echocardiogram and follow-up visit with his doctor are needed to determine if further heart surgery is required. (T 60).

On or about January 15, 2008, Pitambar's wife contacted their son's doctor, Therese Giglia, M.D., of the Children's Heart Center, located at Schneider Children's Hospital, New Hyde Park, NY, in order to schedule the echocardiogram and follow-up visit. The first available date was April 29, 2008. My associate contacted Dr. Giglia's scheduling secretary, Lynette, and confirmed that April 29th was in fact the earliest

¹ References to the sentencing transcript are cited as "T" followed by the relevant page number(s).

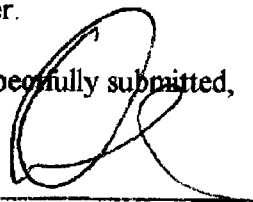
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available date when it was scheduled on January 15th.² According to the information we have received from the Dr. Giglia's office, if it is determined after this April 29th test that the child needs a further surgical procedure, the surgery will most likely be done shortly after the April 29th test. I respectfully request that your Honor extend Pitambar's voluntary surrender date until June 2, 2008, which should allow enough time for Pitambar to care for his son if he requires another surgical heart procedure.

By way of background, in May 2007, Pitambar's son had an echocardiogram, and the family was told at that time that their son would require another such test in one year's time. Therefore, the reason Pitambar had not scheduled this most recent echocardiogram sooner is because the test did not have occur until May 2008. Thus, after his sentencing, Pitambar's wife tried to schedule the echocardiogram within the eight weeks prior to the March 14th surrender date. However, there was no date available prior to April 29th when it was scheduled shortly after the sentence. As such, there was no delay on the part of Pitambar in scheduling his son's echocardiogram and follow-up visit.


I spoke to AUSA Danya Perry regarding this application, and she has objected to an extension of the surrender date. Alicia from your chambers permitted me to fax this request. Thank you for your time and consideration in this matter.

Respectfully submitted,


Denis Kelleher (DK-1414)

Cc: AUSA Danya Perry (via email)

*Application granted. Mr. Pitambar is
to surrender by June 2, 2008 to the
designated facility.*


KENNETH M. KARAS U.S.D.T.
3/4/08

² My associate, Enrico De Maio, contacted the Children's Heart Center ("CHC") on February 19, 2008 and was informed by the receptionist, Kay, that Dr. Giglia was out of the office until the end of the week. On February 22nd, Mr. De Maio again contacted the CHC to no avail, as Kay informed him that Dr. Giglia would not be in until the following week. On February 25th, Mr. De Maio left a message with an unnamed receptionist at CHC to have Dr. Giglia contact our office. Dr. Giglia did not return Mr. De Maio's phone call. Finally, on February 26th, my associate was able to speak with Dr. Giglia's scheduling secretary, Lynette, and confirmed that April 29th was in fact the earliest available date for the echocardiogram and follow-up visit.